United Nations CEDAW/C/TJK/Q/6

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Seventy-first session
22 October–9 November 2018
Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the sixth periodic report of Tajikistan

Constitutional and legislative framework

1. In the light of the adoption by the State party of piecemeal legislation that includes elements and provisions regarding non-discrimination and gender equality, please explain why it does not work towards, or overcome the barriers in respect of, adopting the definition in article 1 of the Convention in its Constitution or in a special law on gender equality or on the prohibition of gender-based discrimination. Please indicate the elements or factors that constitute barriers to the effective attainment of de facto equality in the State party.

2. With reference to paragraphs 10–12 of the State party's sixth periodic report (CEDAW/C/TJK/6),[1] please provide information on the implementation of the mentioned legislation, including the law of 2005 on State guarantees of equal rights for men and women and equal opportunities in the exercise of such rights, especially regarding indirect discrimination against women, and on the mechanisms for monitoring the enforcement of the relevant laws. Please inform the Committee about the State party's efforts to introduce the concept of indirect discrimination into its legislation. Please also provide data on the number of complaints received and investigated and on prosecutions and convictions under article 143 of the Criminal Code concerning gender-based discrimination.

National machinery for the advancement of women

3. In view of the recommendation of the Committee in its previous concluding observations (CEDAW/C/TJK/CO/4-5, para. 12 (a)), please indicate the measures that have been taken to elevate the status of the Committee for Women and the Family and

[1] Unless otherwise indicated, paragraph numbers refer to the sixth periodic report of the State party.

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to strengthen its mandate, authority and visibility at the national and local levels. Please clarify its role in coordinating and monitoring the enforcement of gender equality and anti-discrimination legislation. Please indicate whether the results of such monitoring are published and provide specific examples. Please indicate the number of laws and by-laws analysed by the expert council of the Committee for Women and the Family (para. 15).

4. Please provide information on the implementation of the plan of action for the national strategy on promoting the role of women for the period 2015–2020 (para. 18), in particular on critical areas that may remain unimplemented. Please also indicate the human, technical and financial resources that have been allocated for implementation.

Temporary special measures

5. In addition to the grants for the support and development of women's entrepreneurial activities indicated in the report (para. 27), please inform the Committee about temporary special measures taken in line with article 4 (1) of the Convention and aimed at achieving the substantive equality of women and men in all areas in which women are disadvantaged or underrepresented. Please indicate whether the State party intends to introduce a quota system to accelerate progress towards the achievement of substantive equality between women and men in employment, education, political and public participation and other areas covered by the Convention, and in what time frame. Please indicate the temporary special measures used to guarantee the rights of rural women, women from ethnic minority groups, women with disabilities, women living with HIV/AIDS and women from other vulnerable groups such as lesbian, bisexual and transgender women and intersex persons, and provide relevant data and examples.

Stereotypes and harmful practices

6. In view of the Committee's previous recommendations (CEDAW/C/TJK/CO/4-5, para. 16 (a) and (c)), please provide information about the measures taken to adopt a single, comprehensive strategy to modify or eliminate patriarchal attitudes and stereotypes that are discriminatory against women. Please also provide information about the State party's efforts to deepen the understanding of the concept of equality of women and men through the media and to promote a positive and non-stereotypical portrayal of women and men. Please describe efforts made to achieve those ends through the revision of curricula and teaching materials and teacher training. Please provide information about and examples of how the awareness-raising activities and information campaigns mentioned in the report (paras. 30–39) have contributed to changing stereotypes and patriarchal attitudes.

7. Taking into account that disproportionate attention is paid to training girls mainly for housework and family life, please explain what measures are being taken to prepare boys and young men for family life and responsibilities and to train girls and women for public life, in line with article 5 of the Convention.

8. Please provide information on the measures taken: (a) to enforce laws prohibiting child marriage and polygamy; (b) to establish mechanisms for the detection of cases of child marriage and polygamy; (c) to raise awareness of the negative effects of child marriage on the health and well-being of the children concerned; (d) to ensure that religious marriages do not violate the laws prohibiting polygamy and on the minimum marriageable age and that persons above the age of 18 years who violate those laws are brought to justice; (e) and to collect data on the numbers of complaints, investigations, prosecutions and convictions with regard to

such violations. Please also provide information on the punishment imposed for such convictions.

Gender-based violence against women

9. With reference to the Committee's previous recommendations (CEDAW/C/TJK/CO/4-5, para. 18), please provide information on the measures taken to criminalize gender-based violence against women by amending the Criminal Code and the Code of Criminal Procedure. Please also provide information on the implementation, outcome and impact of Law No. 954 of 2013 on the prevention of violence in the family and of the State programme for the prevention of domestic violence for the period 2011–2023, the mechanisms established to monitor the implementation of the law and the programme, the budget allocated to them and whether that budget is sufficient to provide all victims with legal aid.

10. With reference to the training course on the prevention of domestic violence run by the Academy of the Ministry of Internal Affairs (para. 42), please indicate whether similar capacity-building efforts have been made for judges, prosecutors, lawyers, health and social workers and other professionals who deal with gender-based violence and interact with victims. Please provide data on cases of all forms of violence against women, including domestic violence, disaggregated by sex, age, ethnicity and relationship between the victim and the perpetrator, and indicate whether there are plans to undertake or support studies or surveys on the extent and root causes of violence against women. Please also provide data on the number of victims of gender-based violence who have received free legal aid in accordance with the government decision of 2 July 2015 (para. 51), and the number of victims provided with shelter and medical and psychological support.

Trafficking and exploitation of prostitution

11. Please inform the Committee about the mechanisms established to enforce the law of 26 July 2014 on combating trafficking in persons and on the human, technical and financial resources allocated to implement the national plan for the prevention of trafficking in persons for the period 2016–2018, as well as on the plan's outcome. Please also provide information on the number of victims identified and the medical and psychological assistance and rehabilitation and reintegration services provided to them (paras. 76–77). In addition to the information provided in the report on addressing the root causes, including poverty, of trafficking in persons (paras. 69–71), please clarify how the measures taken have contributed to its prevention.

12. Please provide information about plans to decriminalize prostitution and remove sanctions under the Code of Administrative Offences for engaging in prostitution. Please also provide information on mechanisms established to identify women engaged in prostitution and the number of women who were found liable under article 130 of the Code, as described in the report (para. 68), disaggregated by age, ethnicity and socioeconomic status, and the sanctions imposed. Please indicate whether there are programmes to provide sex workers and victims of trafficking with a source of income, such as presidential grants or small, interest-free financial credits.

Participation in political and public life

13. In view of the Committee's previous recommendation (CEDAW/C/TJK/CO/4-5, para. 22 (a)), please provide information on the use of temporary special measures, such as statutory quotas and incentives for political parties to nominate women candidates and provide them with real potential to win, for instance by having them stand in safe seats, with the aim of accelerating the equal representation of women in all areas of political and public life, especially in decision-making positions in the

Government, civil service, judiciary, academia and the diplomatic service. Please also clarify the reasons behind the significant decrease reported in the proportion of women standing as candidates in the parliamentary elections of 2015 and holding public service posts, including in managerial positions. Please provide information on the outcome of the State programme for the education, recruitment and appointment to management positions of gifted women and girls for the period 2007–2016 and the lessons learned and reflected in the subsequent programme for the period 2017–2022 (para. 29). Please provide information on any government programmes to create a cadre of women for promotion to senior positions in the civil service, and indicate the percentage of such women who have been appointed to senior positions in executive bodies at the local and national levels in the past two years.

Education

14. Please indicate whether measures have been taken to implement the Committee's recommendation (CEDAW/C/TJK/CO/4-5, para. 24 (a)) to address and eliminate barriers to access by girls and women to education, such as negative cultural attitudes about gender roles, to reduce and prevent the phenomenon of girls dropping out of school and to strengthen the implementation of re-entry policies, enabling girls who have dropped out to return to school. It is indicated in the report that the number of girls in secondary education has increased (para. 95). Please provide information on the number of secondary school-age children who do not attend school. Please indicate whether mechanisms are in place for ongoing gender analysis of textbooks in order to remove gender stereotypes and bias.

15. Please provide information on the measures taken to encourage women and girls to choose fields of study traditionally dominated by males, including science, technology, engineering, mathematics, informatics, natural science and technological subjects, at the secondary and tertiary levels of education. Please indicate whether the presidential quota for girls in higher education (para. 97) applies to those fields of study and provide data on the quota's implementation.

Employment

16. Please indicate the measures that the State party has taken to implement the Committee's recommendations (CEDAW/C/TJK/CO/4-5, para. 26 (a) and (b)) regarding the elimination of structural inequalities and occupational segregation, both horizontal and vertical, and the narrowing and closing of the pay gap between women and men, which has reportedly increased significantly. Please also provide information on measures that have been taken to establish a regulatory framework for the informal sector and for women working from home, with a view to providing such women with access to social security, maternity protection and other benefits. Please clarify whether the State party has made efforts to amend article 216 of the Labour Code, which prohibits the employment of women in hard, underground and hazardous work and work involving manual lifting in excess of maximum permitted amounts.

17. Please provide information on steps taken by the State party to explicitly prohibit sexual harassment in the workplace. Please also provide information on the availability and affordability of State childcare facilities to allow women and men to reconcile work and family life.

Health

18. Please provide more information about the plan of action on the sexual and reproductive health of mothers, newborns, children and adolescents for the period 2016–2020 (para. 123) and its implementation in rural and remote areas. Please also indicate the number of obstetricians and gynaecologists available in the State party in

proportion to the number of women of child-bearing age, especially in rural and remote areas.

19. In view of the significant increase reported in the number of women living with HIV/AIDS in the State party, please provide information about the measures taken to prevent the transmission of HIV to women and from mother to child. Please describe the content, extent and implementation status of the national programme to combat the HIV epidemic for the period 2017–2020 (para. 131) with regard to women and girls. Please also indicate the measures taken to combat the stigmatization of and discrimination against women and girls living with HIV/AIDS.

Rural women

20. Please inform the Committee about the State party's efforts to provide rural women with access to key resources such as land, water, energy, finance, justice and support services in cases of domestic violence. Please also indicate the steps that have been taken to collect statistics disaggregated by gender to assess the situation of rural women in these areas and whether there are programmes to provide equal opportunities for rural women, compared with men and urban women, in terms of access to education and medical and other services. Please also indicate whether there is any legislation on social security and a retirement scheme for women employed in the informal sector, in particular those working in agriculture.

Disadvantaged groups of women

21. Please inform the Committee about the measures taken to address the dire situation of migrant women, women left behind by migrant husbands, women in religious marriages that lack legal recognition, female-headed households, women with disabilities and women living in poverty. Please provide information on the mechanisms established to provide such disadvantaged women with support services, including financial, material, medical and psychological support, as well as shelter and accommodation for those without homes and employment opportunities.

22. Please indicate whether the State party plans to amend its resolutions 325 and 328, which limit the freedom of movement and residence of asylum seekers and refugees, including women and girls. Please also provide information about the measures taken to prevent statelessness and to provide access to nationality for stateless women and girls who are within its jurisdiction.

Marriage and family relations

23. Please inform the Committee about the measures taken to ensure the recognition and civil registration of religious marriages and to guarantee the rights of women who are in such marriages, in line with the Committee's general recommendation No. 21 (1994) on equality in marriage and family relations and general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution. Please indicate the steps that have been taken to enact legislation governing de facto unions, with the aim of ensuring protection and redress for women in cases of separation.